

**Re.** : Response to Final Office Action Mailed September 14, 2005  
**Appl. No.** : 10/722,664  
**Filed** : November 25, 2003

## **II. REMARKS**

Claims 1-36 are currently pending in the application. The Office Action allowed Claims 1-30 and rejected Claims 31-36.

By the foregoing amendments, Applicant amended Claim 31 pursuant to 37 C.F.R. § 1.116 to further clarify the claimed invention or, in the alternative, to place the rejected claims in better form for consideration on appeal. Pursuant to 37 C.F.R. § 1.121, no new matter is introduced by these amendments. Applicant believes that Claims 1-36 are now in condition for allowance.

Please note that Applicants' remarks are presented in the order in which the issues were raised in the Office Action for the convenience and reference of the Examiner. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner. Further, the following remarks are not intended to be an exhaustive enumeration of the distinctions between any particular reference and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and that reference.

### Response to the Section 102(b) Rejection

The Office Action rejected Claims 30-36 under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 5,346,207 issued to Heinen. The Office Action asserts that the Heinen patent discloses a backboard that is sized and configured to be attached to a support structure; a first weight that is separate and discrete from the backboard, the first weight being

**Re.** : Response to Final Office Action Mailed September 14, 2005  
**Appl. No.** : 10/722,664  
**Filed** : November 25, 2003

sized and configured to be selectively connected to a first portion of the backboard; and a second weight that is separate and discrete from the backboard, the second weight being sized and configured to be selectively connected to a second portion of the backboard, the second weight being spaced apart from the first weight [sic], the first weight is spaced apart from the second weight on opposing portions of the backboard [sic] to facilitate a perimeter-weighted basketball goal assembly (Fig. 1).

The Office Action states as to Claim 32, the Heinen patent discloses a first and second weight at least partially disposed within an interior portion (Fig. 1). The Office Action states as to Claim 33, the Heinen patent discloses a first and second attachment portion (Fig. 1, 3:45-61). The Office Action states as to Claim 34, the Heinen patent discloses first and second weights (Fig. 1). The Office Action states as to Claim 35, the Heinen patent discloses first and second weights that are part of the same structure (Fig. 1). The Office Action states as to Claim 36, the Heinen patent discloses independent first and second weights (Fig. 1).

Applicants respectfully traverse this rejection. However, in order to clarify, define and/or broaden the claimed invention, and expedite receiving a notice of allowance, Applicants amended Claim 31.

For example, Applicants amended Claim 31 to provide “a backboard that is sized and configured to be attached to a support structure, the backboard being at least partially constructed from blow-molded plastic, the backboard including a front portion, a rear portion and hollow interior portion formed during the blow-molding process.” Applicants also amended Claim 31 to provide “a first weight that is separate and discrete from the backboard, the first weight being sized and configured to enhance rebounding characteristics of the backboard” and “a first weight

Re. : Response to Final Office Action Mailed September 14, 2005  
Appl. No. : 10/722,664  
Filed : November 25, 2003

attachment portion on a first side of the backboard, the first weight attachment portion being sized and configured to allow the first weight to be attached to the backboard. In addition, Applicants amended Claim 31 to provide “a second weight that is separate and discrete from the backboard, the second weight being sized and configured to enhance rebounding characteristics of the backboard” and “a second weight attachment portion on a second side of the backboard, the second weight attachment portion being sized and configured to allow the second weight to be attached to the backboard.” Further, Applicants amended Claim 31 to provide “a rim disposed proximate the front portion of the backboard, the rim being spaced apart from the first weight and the second weight.”

Thus, Claim 31 now positively recites the following: (1) the backboard is at least partially constructed from blow-molded plastic; (2) the backboard includes a front portion, a rear portion and hollow interior portion formed during the blow-molding process; (3) a first weight that is separate and discrete from the backboard, the first weight being sized and configured to enhance rebounding characteristics of the backboard; (4) a first weight attachment portion on a first side of the backboard, the first weight attachment portion being sized and configured to allow the first weight to be attached to the backboard; (5) a second weight that is separate and discrete from the backboard, the second weight being sized and configured to enhance rebounding characteristics of the backboard; (6) a second weight attachment portion on a second side of the backboard, the second weight attachment portion being sized and configured to allow the second weight to be attached to the backboard; (7) a rim disposed proximate the front portion of the backboard, the rim being spaced apart from the first weight and the second weight.

Re. : Response to Final Office Action Mailed September 14, 2005  
Appl. No. : 10/722,664  
Filed : November 25, 2003

In contrast, the Heinen patent discloses an illuminated backboard in which planar ribs of translucent material extend between the front panel and the back wall of the frame. Abstract. The Heinen patent explains the illuminated backboard enables basketball games to be played in the dark. Abstract. The Heinen patent also states the illuminated backboard comprises a frame and a translucent front panel, both of which have the general outline of a conventional basketball backboard. The Heinen patent further states a lamp inside the frame and proximate the basketball hoop illuminates the front panel, and planar ribs of translucent material extend between the front panel and the back wall of the frame. Abstract. In greater detail, the Heinen patent states:

The backboard is comprised of a frame and a front panel. The frame has a back wall and a peripheral wall that upstands from the back wall. The frame peripheral wall has an outline that is the same as the outline of a conventional basketball backboard. The front panel is translucent, and it has the same outline as the frame peripheral wall. The front panel is attached to the frame peripheral wall. The frame and the front panel thus cooperate to form the backboard cavity.

Col. 1, lines 41-49.

Heinen patent, however, does **not** disclose a backboard is at least partially constructed from blow-molded plastic. Thus, the Heinen patent **cannot** disclose a backboard with a hollow interior portion formed during the blow-molding process. The Heinen patent also does **not** disclose a first weight that is sized and configured to enhance rebounding characteristics of the backboard. Additionally, the Heinen patent does **not** disclose a first weight attachment portion on a first side of the backboard, the first weight attachment portion being sized and configured to allow the first weight to be attached to the backboard. Further, the Heinen patent does **not** disclose a second weight that is sized and configured to enhance rebounding characteristics of the backboard. Finally, the Heinen patent does **not** disclose a second weight attachment portion

**Re.** : Response to Final Office Action Mailed September 14, 2005  
**Appl. No.** : 10/722,664  
**Filed** : November 25, 2003

on a second side of the backboard, the second weight attachment portion being sized and configured to allow the second weight to be attached to the backboard.

Because Heinen does **not** disclose each and every element of Claim 31, Applicants respectfully request that this Section 102(b) rejection of this claim be withdrawn. Applicants also request that the rejection of dependent Claims 32-36 be withdrawn at least because these claims are dependent upon independent Claim 31.

### CONCLUSION

In view of the foregoing, Applicants submit that Claims 1-36 are allowable over the cited references and are in condition for allowance. Accordingly, Applicants request that a Notice of Allowance be promptly issued.

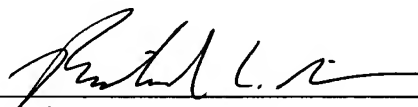
If any further impediments to allowance of this application remain, the Examiner is cordially invited to contact the undersigned by telephone so that these remaining issues may be promptly resolved.

**Re.** : Response to Final Office Action Mailed September 14, 2005  
**Appl. No.** : 10/722,664  
**Filed** : November 25, 2003

The Commissioner is authorized to charge payment of any additional fees associated with this communication, which have not otherwise been paid, to Deposit Account No. 23-3178. If any additional extension of time is required, which have not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Respectfully submitted,

Dated: November 14, 2005

By:   
Richard C. Gilmore  
Registration No. 37,335  
Attorney of Record

**Customer No. 22,913**

WORKMAN NYDEGGER  
1000 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111  
Telephone: (801) 533-9800  
Facsimile: (801) 328-1707  
E-mail: [rgilmore@wnlaw.com](mailto:rgilmore@wnlaw.com)

g:\wpdocs3\rcg\lifetime products inc\398.1 response to final office action mailed 9-14-2005.doc